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09/682,853	10/24/2001	Scott C. Harris	DIY-Internet/SCH	9828

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EXAMINER

BARQADLE, YASIN M

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 07/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/682,853

Applicant(s)

HARRIS, SCOTT C.

Examiner

Yasin M Barqadle

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 22 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## Interview Summary

Application No.

09/682,853

Applicant(s)

HARRIS, SCOTT C.

Examiner

Yasin M Barqadle

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All participants (applicant, applicant's representative, PTO personnel):

(1) Yasin M Barqadle. (3) \_\_\_\_\_.

(2) Applicant attorney's office. (4) \_\_\_\_\_.

Date of Interview: 24 June 2003.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.

If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 22.

Identification of prior art discussed: \_\_\_\_\_.

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Examiner called Applicant attorney's office for restriction requirement for claim 22. Applicant attorney's secretary called back and informed the examiner that Mr. Harris, Scott agreed to restrict claim 22 without traverse.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

\_\_\_\_\_  
Examiner's signature, if required

## Summary of Record of Interview Requirement

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

#### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

##### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

#### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

**DETAILED ACTION**  
**Election/Restrictions**

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-21 drawn to reformatting messages between an interactive device and publicly available source, classified in class 709, subclass 218.

II. Claim 22, drawn to defining custom Internet page as a template with certain fill in values, classified in class 715, subclass 507.

2. Inventions II and I are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case, invention Group I has separate utility such as reformatting messages between an interactive device and publicly available source. Also, Group II has separate utility such as defining custom Internet page as a template with certain fill in values. See MPEP § 806.05(d).

3. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Groups II. The search required for Group II is not required for Groups I, restriction for examination purposes as indicated is proper.

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4. Because the inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

5. Because the inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

During a telephone conversation with Applicant's attorney's office Harris, Scott, Reg. No. 32030 on June 24, 2003 a provisional election was made **without traverse** to prosecute the invention of group I, Claims 1-21. Affirmation of this election must be made by the applicant in replying to this Office action. Claim 22 is withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-7 and 9-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al.

As per claim 1, Chen et al teach a method, comprising:

    sending a request for information from an interactive device (Fig. 1, 214) to a first recipient (Fig. 1, 100) and  
Page 1, paragraphs 0009-0013];

    at said first recipient, using information from said request to query a publicly accessible source of information (Fig.5, 352) [Page 1, paragraphs 0011-0014];

    receiving results from querying said source of information-, reformatting said results into a new form [Page 1, paragraphs 0011-0014]; and

sending said results in said new form to said interactive device [Page 1, paragraphs 0011-0014].

As per claim 2, Chen et al teach a method as in claim 1, wherein said reformatting said information comprises assembling a message which includes some, but not all, of the information received from said publicly accessible source of information [Page 4, paragraphs 0047-0059].

As per claim 3, Chen et al teach a method as in claim 1, wherein said reformatting comprises reformatting said information into a text message [Page 1, paragraphs 0014].

As per claim 4, Chen et al teach a method as in claim 1, further comprising sending a request from said first recipient to said interactive pager, requesting said interactive pager to identify more information about a specific query to be made to set publicly accessible source of information [Page 4, paragraphs 0047-0059].

As per claim 5, Chen et al teach a method as in claim 2, wherein said interactive device also stores personal information associated with a user of the interactive device, and wherein said sending comprises sending a request for information which includes some of said personal information [Page 4, paragraphs 0047-0059].



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As per claim 6, Chen et al teach a method as in claim 5, wherein said personal information which is sent, includes logon information and a password [Page 1, paragraphs 0011 and Page 6, paragraphs 0075-0085].

As per claim 7, Chen et al teach a method as in claim 6, further comprising signifying to said source of information an indication to purchase a product [Page 4, paragraphs 0054-0057].

As per claim 9, Chen et al teach a method as in claim 2, wherein said reformatting comprises reformatting said information according to a prestored template [Page 4, paragraphs 0043-0048].

As per claim 10, Chen et al teach a method as in claim 2, wherein said reformatting comprises reformatting said information into an XML form [Page 4, paragraphs 0054].

As per claim 11, 17 and 21, Chen et al teach a system and a method, comprising:

- an e-mail communication element (Fig. 1, 214), capable of communicating by e-mail with a plurality of remote devices [Page 3, paragraphs 0038];

- a processing element (Fig. 1, 100), receiving a request for information from a publicly available source via

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said e-mail communication element, and formatting said request into a format that will be responded to by said publicly available source, commanding that said request be sent to set publicly available source, and receiving information from said publicly available source, and reformatting said information into another format, and sending reformatted information to said e-mail communication element [Page 1, paragraphs 0009-0014 and [Page 4, paragraphs 0047-0059].

As per claim 12, Chen et al teach the invention, wherein said formatting comprises formatting said request into an HTML format of a type that is recognized by a publicly available web page, and receiving an HTML response [Page 4, paragraphs 0058].

As per claim 13, Chen et al teach the invention, wherein said reformatting comprises changing said HTML response into another format [Page 4, paragraphs 0055-0058].

As per claim 14, Chen et al teach the invention, wherein said another format is a text format [Page 4, paragraphs 0055-0058].

As per claim 15, Chen et al teach the system as in claim 11, wherein said reformatting comprises assembling a message with some, but not all, of the information from said response [Page 4, paragraphs 0047-0059].

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As per claim 16 and 18, Chen et al teach the invention, wherein said processor also receives personal identification information, and uses said personal identification information to form said request, including logon information [Page 1, paragraphs 0011 and Page 6, paragraphs 0075-0085].

As per claim 19, Chen et al teach the invention, wherein said reformatting comprises reformatting the information into an XML format [Page 4, paragraphs 0054].

As per claim 20, Chen et al teach the invention, wherein said reformatting the information comprises reformatting the information into a text format [Page 4, paragraphs 0055-0058].

#### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being

unpatentable over Dent et al US. PUB. (20020026396).

As per claim 8, although Chen et al shows substantial features of the claimed invention, he does not explicitly show a source of information indicating a user's bank balance.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Chen et al, as evidenced by Barnes, JR USPN. (20030065805).

In analogous art, Barnes, JR discloses a source of information indicating a user's bank (account) balance [page 36, Paragraph 0362].

Giving the teaching of Barnes, JR, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Chen et al by employing the system of Barnes, JR in order for users to keep track of their account balance and to maintain a good record of their checkbook.

#### **Conclusion**

The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin M Bargadle whose telephone number is 703-305-5971. The examiner can normally be reached on 9:00 AM to 5:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 703-305-9717. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-304-3900.

Y. Barqadle



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